



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/635,707

08/05/2003

W. Jean Dodds

58034-011800

8325

33717

7590

12/10/2008

GREENBERG TRAURIG LLP (LA)  
2450 COLORADO AVENUE, SUITE 400E  
INTELLECTUAL PROPERTY DEPARTMENT  
SANTA MONICA, CA 90404

EXAMINER

WHALEY, PABLO S

ART UNIT

PAPER NUMBER

1631

MAIL DATE

DELIVERY MODE

12/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/635,707	<b>Applicant(s)</b> DODDS, W. JEAN	
	<b>Examiner</b> PABLO WHALEY	<b>Art Unit</b> 1631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-10,12,14,17,18,25,40,41,43,44 and 46-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8-10, 12, 14, 17-18, 25, 40, 41, 43, 44, and 46-49 is/are rejected.
- 7) ☒ Claim(s) 46-48 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of the Claims***

Claims 1, 3-5, 8-10, 12, 14, 17-18, 25, 40, 41, 43, 44, and 46-49 are pending.

Claims 1, 3-5, 8-10, 12, 14, 17-18, 25, 40, 41, 43, 44, and 46-49 are rejected.

Claims 2, 6-7, 11, 13, 15-16, 19-24, 26-39, 42, and 45 are cancelled.

### ***Priority***

Applicant has not addressed the issue of priority in the response filed 08/12/2008, therefore it is reiterated for purposes of clarity. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows: The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994). The disclosure of the prior-filed applications, Application No. 09/419,192 and 09/432,851, fail to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. In particular, Application No. 09/419,192 and 09/432,851 fail to show limitations directed to selectable icons. Therefore this application is only granted the benefit of priority to Application No. 60/403,203, filed 8/12/2002.

Art Unit: 1631

***Declaration***

The supplemental Declaration, filed 08/12/2008, is insufficient to overcome the rejection of claims 1, 3-5, 8, 10, 12, 14, 17, 25, 40, 41, 43, 44, 46-49 are rejected under 35 U.S.C. 103(a) as being made obvious by Dodds (WO/2001/028415; Published Apr. 26, 2001), in view of Filteau et al. (US 2002/0188896; Filed Jun. 7, 2001), in view of Dodds (Dog World, 1992, Vol. 77, No. 4, p. 36-40), and in view of Hare et al. (Preventative Veterinary Medicine, 1996, p.239-251)

***Allowable Subject Matter***

Claims 46-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 8, 10, 12, 14, 17, 25, 40, 41, 43, 44, and 49 are rejected under 35 U.S.C. 103(a) as being made obvious by Dodds (WO/2001/028415; Published Apr. 26, 2001), in view of Filteau et al. (US 2002/0188896; Filed Jun. 7, 2001), in view of Dodds (Dog World, 1992, Vol. 77, No. 4, p. 36-40), and in view of Hare et al. (Preventative Veterinary Medicine, 1996, p.239-251).

**The rejection of newly added claim 49 is necessitated by applicant's amendment, filed 08/12/2008.**

Dodds (2001) teaches a computerized animal health management system wherein remote users may input data and obtain reports relating to the health of an animal [Abstract]. Dodds shows physical data obtained from animals including breed, age, sex, pedigree, medical history, and laboratory data [p.1-2, Phenotype Data, p.8, Section A, and p.12]. Dodds shows obtaining and submitting bodily fluid samples to a veterinarian or laboratory for analysis [p.2, ¶2]. Dodds shows remote users communicating with a laboratory to receive and access data on specimens, and request laboratory services via the internet [p.22, line 25-35, p.23, and Fig. 8]. Dodds shows the use of a computer browser (i.e. program) in which a user can click on categories (i.e. selectable icons) to review database details [p.19, lines 10-20, and Fig. 4]. Dodds shows a user accessing physical health databases comprising data categorized by age, breed, disease, and diagnostic parameters [p.10]. Dodds shows users obtaining an analysis report, reading the report, and outputting the report in electronic or fax format [Col. 2, ¶ 2, and p.20, lines 5-23]. Dodds shows computer-assisted or human-based report interpretation using skilled personnel (i.e. clinical pathologists) [p.20, lines 25-32, and Ref. Claim 23]. The database server designed to interact with external computers [p.17], and can exchange information with other networked systems [p.18 and p.22, lines 15-25] and remotely located clients [Fig. 1].

Regarding applicant's amendments of claims 1, 10, and 25 directed to laboratory analysis of total T4 and T3, free T4 and T3, and autoantibody activity, Dodds teaches diagnostic test screens for thyroid profiling, including total T4 and T3, free T4 and T3, and autoantibody activity [p.13-14, Test 1, Test 2].

Regarding applicant's amendments of claims 1, 10, and 25 directed to a range of optimal levels for establishing thyroid disease analysis optimal levels, Dodds teaches laboratory test profile data values

Art Unit: 1631

that should fall within a predetermined range for confirming thyroiditis [p.5, lines 3-12, and p.12, Example 4].

Regarding applicant's amendments of claims 1, 10, and 25 directed to assessing thyroid function as part of a preliminary analysis by determining the correct category, Dodds teaches diagnostic test screens for determining thyroid function [p.13, Test 2] and comparing information reported to different database to determine abnormal thyroid function [p.22, lines 3-7].

Regarding newly added claim 49 directed to establishing thyroid disease analysis using more than one category of optimal adequate levels or levels for autoimmune thyroiditis, Dodds teaches diagnostic test screens for thyroid profiling, including total T4 and T3, free T4 and T3, and autoantibody activity [p.13-14, Test 1, Test 2] and laboratory test profile data values that should fall within a predetermined range for confirming thyroiditis [p.5, lines 3-12, and p.12, Example 4].

Dodds (2001) does not teach generating supplementary diagnostic reports in combination with laboratory data, or transferring data into a second program configured to supplement the report with user input and a menu comprising selectable icons representing text to be added to a report, as in claims 1, 10, and 25.

Dodds (2001) does not teach enhancing a supplemental report using a toolbar, menu, icons, and a word processing program, and generating an integrated report, as in claims 1, 5, 10, 14, and 25.

Dodds (2001) does not teach selectable icons for animal age and grouping, and selectable icons for grouping animals by age, breed, and disease, as in claims 1, 4, 10, 25, and 40-45.

Filteau teaches a generic medical report generation system that uses text-based menus and graphical user interfaces (GUI) to review data and generate reports [Abstract, 0004, Fig. 1]. Multiple GUIs enable text selection, cut, paste, and other functions using pull-down menus and functional push-button icons in the menu [0040, 0092, Fig. 7A, 7B, 8A]. The user may select specific diagnostic finding to be incorporated into the report [0041]. Pull-down menu buttons can be added in association with data

Art Unit: 1631

entry fields [0084], and selectable icons and labels insert text into the report when activate [0084]. The system can retrieve a study, present diagnostic findings and studies to a GUI, and permits the physician to add self-generated diagnostic findings [0009]. The report generator can interface with web browsers for real-time display of diagnostic reports [0053]. A text-editor enables a reporting physician to add notes or other information to a report via word processing programs [0092 and Fig. 8D]. Physicians can also modify report data and group a plurality of diagnostic finding as desired [0025]. All aspects of the system are modifiable [0088]. Filteau does not specifically teach selectable icons as required by claims 1, 10, 25, and 40-45. However, the use of menus, GUIs, and selectable icons in computer based reporting systems are well known, as suggested by Filteau [0092, Fig. 7A, 7B, 8A], Filteau also shows that their menus and icons can be tailored to fit the data [0025, 0088]. One of ordinary skill in the art would be motivated to use this system since it provides for computer-based modification and generation of multi-lingual reports [0003-0005].

Dodds (1992) teaches clinical methods for testing dogs for thyroid disease [p.1-2]. In particular Dodds shows that certain large and small breeds of dogs are predisposed to thyroid disease [Table 1], and that age is an important factor in the progression of thyroid disease [p.36, Col. 3 and Table 1]. Dodds (1992) also teaches different categories of thyroid disease analysis that are currently in medical practice using baseline T3, T4, free T3, and free T4 measurements [p.37, Col. 3 and p.38, Col. 1], cholesterol testing, K-value testing, etc. [p.38, Col.1, Col. 2], as in claim 49.

Hare teaches that computer-based methods for generating and modifying diagnostic reports have been applied to field veterinary medicine with predictable results [Fig. 1, Abstract and Fig. 2, p.243, ¶2]. Hare also teaches the automated production of reports that includes animal data grouped by animal breed and disease [p.245, p.247].

It would have been obvious to someone of ordinary skill in the art at the time of the instant invention to modify the method of Filteau to generate supplementary diagnostic reports based on reports

Art Unit: 1631

and laboratory data sets provided by Dodds (2001), as in claims 1, 10, and 25, since Dodds (2001) suggests the use of other expert interfaces and/or individuals for providing improved analysis [p.20, lines 25-32]. Additionally, Hare shows that computer-based methods for generating and modifying diagnostic reports have been applied to field of animal health and medicine with predictable results. The motivation would have been to create integrated diagnostic reports that speed up the diagnostic process through real-time computer-assisted report modification, as suggested by Filteau [0003-0005, 0053, 0054].

It would have been obvious to someone of ordinary skill in the art at the time of the instant invention to modify the method of Filteau to enhance supplemental report using a toolbar, menu, icons, and a word processing program, and generating an integrated report, as in claims 1, 5, 10, 14, and 25, alternatively using any of the specific laboratory analysis tests, information, or classifications taught by Dodds (2001) and Dodds (1992), since Filteau teaches an interactive method for modifying reports using pull-down menus with selectable icons [0040, 0092, Fig. 7A, 7B, 8A, 0041], wherein the menus, icons, and reports are completely customizable based on the type of data and the physicians' own diagnostic interests [0004, 0025, 0088, 0084]. Additionally, Hare shows that computer-based methods for generating and modifying diagnostic reports have been applied to field of animal health and medicine with predictable results. The motivation would have been to provide a pragmatic graphical user interface wherein the viewable menus and links are customized based on patient data, required laboratory test data, and the expertise of the physician.

It would have been obvious to someone of ordinary skill in the art at the time of the instant invention to modify any of the icons taught by Filteau to be specific for grouping animals by age, breed, and disease, as in claims 1, 4, 10, 25, and 40-45, alternatively using any of the data categorized by age, breed, disease, and diagnostic parameters taught by Dodds (2001) [p.19, lines 10-20, and Fig. 4], since it is well known that these categories are significant for monitoring animal health, as suggested by Hare [Fig. 2] and monitoring thyroid disease progression, as shown by Dodds (1992) [p.36, Col. 3 and Table

Art Unit: 1631

1]. The motivation would have been to provide a pragmatic method for grouping relevant clinical information using icons, which can be beneficially customized to reflect the data of interest, as shown by Filteau [0004, 0025, 0088].

### ***Response to Arguments***

Applicant's arguments, filed 08/12/2008, that the Dodds, Filteau, and Hare references were inappropriately combined based on the road map set out by applicant in the present claims, and that the examiner's conclusion of obviousness is based upon improper hindsight reasoning has been fully considered but are not persuasive. In response, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant's further argued that Dodds does not teach the newly added amendments directed to establishing optimal levels for thyroid disease, or assessing thyroid function as part of the preliminary analysis, as in claims 1, 10, 25, have been fully considered but are not persuasive. In response, Dodds (2001) does teach these limitations, which have been discussed in detail in the rejection set forth above.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that Filteau is nonanalogous art, since it is not related to animal conditions and has nothing to do with thyroid disease, it has been held that a prior art reference

Art Unit: 1631

must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Filteau teaches a generic medical report generation system that uses text-based menus and graphical user interfaces (GUI) to review data and generate reports using menus and icons [Abstract, 0004, Fig. 1, 0040, 0092, Fig. 7A, 7B, 8A]. Therefore Filteau is reasonably pertinent to the particular problem with which the applicant is concerned.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as set forth above, it would have been obvious to someone of ordinary skill in the art at the time of the instant invention to modify the method of Filteau to generate supplementary diagnostic reports based on reports and laboratory data sets provided by Dodds (2001), as in claims 1, 10, and 25, since Dodds (2001) suggests the use of other expert interfaces and/or individuals for providing improved analysis [p.20, lines 25-32]. The motivation would have been to create integrated diagnostic reports that speed up the diagnostic process through real-time computer-assisted report modification, as suggested by Filteau [0003-0005, 0053, 0054].

It would have been obvious to someone of ordinary skill in the art at the time of the instant invention to modify the method of Filteau to enhance supplemental report using a toolbar, menu, icons, and a word processing program, and generating an integrated report, as in claims 1, 5, 10, 14, and 25, alternatively using any of the specific laboratory analysis tests, information, or classifications taught by Dodds (2001) and Dodds (1999), since Filteau teaches an interactive method for modifying reports using

Art Unit: 1631

pull-down menus with selectable icons [0040, 0092, Fig. 7A, 7B, 8A, 0041], wherein the menus, icons, and reports are completely customizable based on the type of data and the physicians' own diagnostic interests [0004, 0025, 0088, 0084]. The motivation would have been to provide a pragmatic graphical user interface wherein the viewable menus and links are customized based on patient data, required laboratory test data, and the expertise of the physician.

It would have been obvious to someone of ordinary skill in the art at the time of the instant invention to modify any of the icons taught by Filteau to be specific for grouping animals by age, breed, and disease, as in claims 1, 4, 10, 25, and 40-45, alternatively using any of the data categorized by age, breed, disease, and diagnostic parameters taught by Dodds (2001) [p.19, lines 10-20, and Fig. 4], since it is well known that these categories are significant for monitoring animal health, as suggested by Hare [Fig. 2] and monitoring thyroid disease progression, as shown by Dodds (1992) [p.36, Col. 3 and Table 1]. The motivation would have been to provide a pragmatic method for grouping relevant clinical information using icons, which can be beneficially customized to reflect the data of interest, as shown by Filteau [0004, 0025, 0088].

Applicant's arguments, filed 08/12/2008, asserted that the use of the Domanik and Bean references was unclear and improper. In response, the citation of the Bean reference was simply a typo. The rejection should have referred to the icons taught by Filteau, which was the only cited reference that taught the use of icons. There was no reference made to the Domanik reference in the Office action mailed 05/30/2008.

Applicant's arguments, filed 08/12/2008, that it would not have been obvious to one of ordinary skill in the art to combine the above references [p.8] in view of the Declaration filed 08/12/2008 by W. Jean Dodds, under 37 CFR 1.132, which asserts surprising and unexpected results, and that the claimed invention is financially successful and meets commercial success, have been fully considered but are not

Art Unit: 1631

persuasive for the following reasons. Applicant's additional arguments directed the Declaration are also not persuasive for the reasons set forth below.

The Declaration under 37 CFR 1.132 is insufficient to overcome the rejection of claims 1, 3-5, 8, 10, 12, 14, 17, 25, 40, 41, 43, 44, and 49 are rejected under 35 U.S.C. 103(a) as being made obvious by Dodds (WO/2001/028415; Published Apr. 26, 2001), in view of Filteau et al. (US 2002/0188896; Filed Jun. 7, 2001), in view of Dodds (Dog World, 1992, Vol. 77, No. 4, p. 36-40), and in view of Hare et al. (Preventative Veterinary Medicine, 1996, p.239-251) because:

It refer(s) only to the method described in the above referenced application and not to the individual claims of the application. Thus, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716. The Declaration does not point out which specific claim limitations or combination constitute a surprising and unexpected result, namely for the combination of variables, features, and specific ranges used for thyroid analysis [p.7, para. 34], therefore the Declaration does not provide support for a nexus between the claimed invention and surprising or unexpected results. In addition, the Declaration also does not provide support for a surprising and unexpected result based on the order of the claimed method steps. It is noted that the Declaration was provided by W. Jean Dodds, who is not a disinterested party.

It include(s) statements which amount to an affirmation that the claimed subject matter functions as it was intended to function. This is not relevant to the issue of nonobviousness of the claimed subject matter and provides no objective evidence thereof. See MPEP § 716. The Declaration submitted by applicant repeatedly asserts that the claimed invention possesses unexpected advantages. However, it is well settled that unexpected results must be established by factual evidence. Applicants have not presented any experimental data showing that the claimed hierarchy of steps results in an unexpected advantage, namely for the combination of variables, features, and specific ranges used for thyroid analysis

Art Unit: 1631

[p.7, para. 34]. Due to the absence of tests comparing applicant's claimed method steps with those of the closest prior art, applicant's assertion of unexpected results constitute mere opinion evidence. See also *In re Linder*, 457 F.2d 506, 508, 173 USPQ 356, 358 (CCPA 1972; Ex parte George, 21 USPQ2d 1058 (Bd. Pat. Appl. & Inter. 1991).

It asserts that the claimed subject matter is commercially successful [p.8 and p.9]. The assertion of commercial success requires establishing a nexus between the claimed invention and evidence of commercial success. However, there is no disclosure of the specific features of the instant claims that are responsible for the asserted commercial success. Therefore the Declaration does not provide evidence of commercial success that is commensurate in scope with the claims at issue. See MPEP § 716.03.

In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness. For the above reasons, this rejection is maintained.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX

Art Unit: 1631

MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Whaley whose telephone number is (571)272-4425. The examiner can normally be reached on 9:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marjorie Moran can be reached at 571-272-0720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Pablo S. Whaley/**

Patent Examiner

Art Unit 1631

/John S. Brusca/

Primary Examiner, Art Unit 1631